IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

1. CIVIL WRITS No. 3016/2004
(BADRI PRASAD V/S STATE & ORS)

2. CIVIL WRITS No. 3017/2004
(INDERLAL BADGUJAR V/S STATE & ORS)

3. CIVIL WRITS No. 3019/2004
(MANAK LAL LOHAR V/S STATE & ORS)

4. CIVIL WRITS No. 3020/2004
(DHARMENDRA KUMAR GURJAR V/S STATE & ORS)

5. CIVIL WRITS No. 3153/2004
(SUKHLAL TELI V/S STATE & ORS)

6. CIVIL WRITS No. 3154/2004
(PRAKASH CHAND NAI V/S STATE & ORS)

7. CIVIL WRITS No. 3202/2004
(ARJUNLAL GURJAR V/S STATE & ORS)

8. CIVIL WRITS No. 3236/2004
(RAJENDRA SINGH RAJPUT V/S STATE & ORS)

Mr. SURESH SHRIMALI, for the appellant / petitioner

Date of Order : 25.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

All the aforesaid eight writ petitions have been filed in common circumstances, and involve exactly identical controversy, and therefore, are being decided by this common order.

The petitioner in each of these writ petitions seeks a direction to the respondents not to dispossess the petitioner from the house in question, and to frame a scheme with a view to provide a relief to the petitioner, being economically weaker person of the society by exempting the interest and penalty on the outstanding amount of monthly installments and lease money.

The circumstances, in which these writs arise are, that the petitioner in each of these writs was said to be in unauthorised occupation and was rehabilitated on being allotted the tenement in

question vide Annexure-1, on the condition that the price of the tenement was fixed, the petitioner was required to deposit the specified amount with lease money, and the balance amount was to be paid in the monthly installments. The thing, as appears from the record is, that after the allotment, the possession was delivered to the petitioner, but then, the petitioner did not deposit the monthly installments, or the interest thereon. Thereupon, notices were issued, calling upon the petitioner to pay the arrears of installments alongwith interest and penalty within the time given in the notice, failing which, the possession will be taken by the respondent. It is, in these circumstances, that these writ petitions have been filed.

Since it is not in dispute, that the tenement was allotted to the petitioner for a price, and monthly installments were to be paid, which have not been paid, in these circumstances, even for considering the bonafides of the petitioner, learned counsel was asked, as to whether the petitioner is prepared to deposit the arrears of principal amount of installments upto date, so as to consider the bonafides of the petitioner, and for that purpose, few adjournments were also granted, but then, learned counsel submits that he did not receive any instructions in this regard, rather he is informed, that the petitioner is approaching the Collector for that matter. Be that as it may. The fact remains that the petitioner has not offered before even this Court his willingness to deposit the arrears of the principal amount of installments, so as to call upon the respondents to consider to give some moratorium in the matter of interest and penalty.

In these circumstances, I am not inclined to entertain the writ petitions. The same are, therefore, dismissed summarily.

(N P GUPTA),J.

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